

**THIRTEENTH DAY**  
(Continued)  
(Tuesday, July 21, 1987)

**AFTER RECESS**

The Senate met at 9:00 a.m. and was called to order by the President.

**BILLS AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

<b>H.B. 21</b>	<b>H.B. 130</b>
<b>H.B. 28</b>	<b>H.B. 133</b>
<b>H.B. 40</b>	<b>H.B. 142</b>
<b>H.B. 53</b>	<b>H.B. 159</b>
<b>H.B. 59</b>	<b>H.B. 163</b>
<b>H.B. 81</b>	<b>H.B. 168</b>
<b>H.B. 95</b>	<b>H.C.R. 14</b>
<b>H.B. 109</b>	<b>H.C.R. 18</b>
<b>H.B. 117</b>	<b>H.C.R. 20</b>
<b>H.B. 123</b>	<b>H.C.R. 27</b>

**REPORT OF STANDING COMMITTEE**

By unanimous consent, Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

**H.C.R. 10**

(Senator Montford in Chair)

**RECESS**

On motion of Senator Brooks, the Senate at 9:10 a.m. took recess until 11:00 a.m. today.

**AFTER RECESS**

The Senate met at 11:00 a.m. and was called to order by the President.

**CONFERENCE COMMITTEE REPORT**  
**HOUSE BILL 146**

Senator McFarland submitted the following Conference Committee Report:

Austin, Texas  
July 21, 1987

Honorable William P. Hobby  
President of the Senate

Honorable Gibson D. "Gib" Lewis  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **H.B. 146** have met and had the same

under consideration, and beg to report it back with the recommendation that it do pass.

McFARLAND  
FARABEE  
GLASGOW  
BLAKE  
HENDERSON

On the part of the Senate

CEVERHA  
HIGHTOWER  
GRANOFF  
TELFORD  
BURNETT

On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

#### **HOUSE CONCURRENT RESOLUTION 10 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, all necessary rules including the printing rule were suspended to take up for consideration at this time on its second reading:

**H.C.R. 10**, Memorializing Congress to enact legislation to establish and fund the Medical Manhattan Project on AIDS.

The resolution was read second time and was adopted viva voce vote.

#### **SENATE RULE 103 SUSPENDED**

On motion of Senator Leedom and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Intergovernmental Relations might consider **H.B. 9** upon recess today.

#### **RECESS**

On motion of Senator Brooks, the Senate at 11:10 a.m. took recess until 2:00 p.m. today.

#### **AFTER RECESS**

The Senate met at 2:00 p.m. and was called to order by the President.

#### **REPORT OF STANDING COMMITTEE**

By unanimous consent, Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

#### **C.S.H.B. 9**

#### **SENATE RESOLUTION 139**

Senator Zaffirini offered the following resolution:

**S.R. 139**, Establishing an interim study committee to study the prevention of mental and developmental disabilities and to develop a comprehensive plan for prevention.

ZAFFIRINI  
BROOKS

The resolution was read and was adopted viva voce vote.

#### **SENATE RESOLUTION 147**

Senator Edwards offered the following resolution:

**S.R. 147**, Extending congratulations to Lyndon L. Olson, Jr., on his retirement.

The resolution was read and was adopted viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 9  
ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, all necessary rules including the printing rule were suspended to take up for consideration at this time on its second reading and passage to third reading:

**C.S.H.B. 9**, Relating to the jurisdiction of the County Court at Law of Wise County.

The bill was read second time and was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 9  
ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 9** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**RECESS**

On motion of Senator Brooks, the Senate at 2:09 p.m. took recess until 3:00 p.m. today.

**AFTER RECESS**

The Senate met at 3:00 p.m. and was called to order by the President.

**BILL SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

**S.B. 6** (Signed subject to Art. III,  
Sec. 49a of the Constitution)

**CONFERENCE COMMITTEE REPORT  
SENATE BILL 33**

Senator Jones submitted the following Conference Committee Report:

Austin, Texas  
July 21, 1987

Honorable William P. Hobby  
President of the Senate

Honorable Gibson D. "Gib" Lewis  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 33** have met and had the same

under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

JONES  
CAPERTON  
LEEDOM  
MONTFORD  
PARMER

On the part of the Senate

CEVERHA  
WALDROP  
VOWELL  
GARCIA  
HACKNEY

On the part of the House

**A BILL TO BE ENTITLED  
AN ACT**

relating to state oil overcharge and energy efficiency administration.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

**Article 1**

**SECTION 1. SHORT TITLE.** This article may be cited as the Oil Overcharge Restitutionary Act.

**SECTION 2. DEFINITIONS.** In this Act:

(1) "Account" means the oil overcharge account established by Section 7 of this Act.

(2) "Applicable federal guidelines" means federal court judgments or orders, case settlements, laws, regulations, or other federal requirements or discretionary authority, whether imposed by the judicial, legislative, or executive branch, that govern or restrict the use of money received by the state as a result of petroleum overcharge litigation concerning overpricing of crude oil or refined petroleum products during the 1973-1981 period of mandatory federal price controls.

(3) "Competitive grant program" means a program through which the office of the governor finances projects under this Act that have been approved from a group of competing proposals submitted by public or private applicants.

(4) "Direct grant program" means a program through which the office of the governor finances projects under this Act that have been approved as components of a proposal recommended by the supervising agency of that program.

(5) "Energy efficiency division" means the energy efficiency division of the office of the governor.

(6) "Supervising agency" means the state agency, department, commission, or other entity designated by this Act or by the office of the governor to supervise, manage, or administer the implementation of a program financed under this Act.

**SECTION 3. OIL OVERCHARGE ADMINISTRATION.** (a) The power and discretion to finance projects under, and oversee and monitor the administration of, the competitive and direct grant programs prescribed by this Act are assigned to the office of the governor, subject to the requirements of Section 6 of this Act.

(b) The office of the governor shall determine the supervising agency for each competitive grant program and for each direct grant program established by the office. The office of the governor may:

(1) establish direct grant programs and competitive grant programs in addition to those provided by this Act; and

(2) establish criteria for eligibility and evaluation of proposals submitted under direct grant programs or competitive grant programs, which criteria may apply to one or more specific programs or to all programs.

(c) The office of the governor shall establish programs and criteria and evaluate proposals in accordance with applicable federal guidelines. The office of the governor is responsible for the transmission to the appropriate federal entity of all information required under applicable federal guidelines regarding programs and proposals subject to this Act.

SECTION 4. STAFF; AGENCY AND PRIVATE ASSISTANCE. (a) The energy efficiency division shall provide staff to implement and administer this Act.

(b) In addition to the energy efficiency division, the office of the governor may enlist the assistance of any state agency, department, commission, or other entity, or any private entity, in the evaluation or review of proposals, the audit of program participants or supervising agencies, the performance of administrative duties under this Act, or the development of eligibility or evaluation criteria.

SECTION 5. TECHNICAL ADVISORY PANEL. A technical advisory panel consisting of a representative of the Texas Department of Community Affairs designated by the governor and one person each appointed by the lieutenant governor and the speaker of the house of representatives shall advise the office of the governor regarding any technical expertise sought by the office through contract and shall review all technical opinions and evaluations provided by a reviewing state agency, department, commission, or entity, or a reviewing private entity.

SECTION 6. REVIEW COMMITTEE. A review committee consisting of the lieutenant governor and the speaker of the house of representatives shall review proposals submitted to the committee by the office of the governor under direct and competitive grant programs. The office of the governor may not finance a project under a direct or competitive grant program until the project has been submitted as a proposal and approved by the review committee.

SECTION 7. OIL OVERCHARGE ACCOUNT. (a) The oil overcharge account is established as a special account in the general revenue fund. On the effective date of this Act, the comptroller of public accounts shall transfer to the credit of the account all unobligated and unexpended sums of money that have been received by the state as a result of petroleum overcharge litigation concerning overpricing of crude oil or refined petroleum products during the 1973-1981 period of mandatory federal price controls, together with interest accrued on the money from the various dates of receipt to the date of transfer. The comptroller also shall deposit to the credit of the account any amounts received on or after the effective date of this Act as a result of such petroleum overcharge litigation.

(b) Money in the account shall be appropriated by the legislature to the governor for use by the office of the governor in the implementation and operation of programs authorized by this Act.

(c) The comptroller of public accounts shall establish records of money in the account that are sufficient to identify the source of particular amounts, for the purpose of facilitating determinations of compliance with applicable federal guidelines for the use of money derived from particular sources.

(d) The state treasurer may invest money in the account not currently being used as provided by this Act under the authority of Subchapter C, Chapter 404, Government Code. All interest and other income received from investment of money in the account shall be deposited to the credit of the account and used for purposes consistent with applicable federal guidelines.

(e) The office of the governor shall determine the persons whose signatures are authorized to be affixed to vouchers submitted to the comptroller for approval of payments from the account. The office of the governor shall give the comptroller notice of each determination made under this subsection. The comptroller shall approve payments from the account in the manner provided for approval of payments from other amounts appropriated by the legislature.

SECTION 8. RESTRICTIONS AND RULEMAKING. (a) Restrictions on, or other criteria for, the use or receipt of money awarded under authority of this Act to supervising agencies, local recipients, or other persons, whether provided by this Act or under authority of this Act, apply only to the use or receipt of money awarded under authority of this Act and do not affect the use or receipt of money provided under the authority of other law.

(b) The supervising agency of a direct grant program financed under this Act may adopt rules for implementation of the program, including rules providing eligibility criteria, that are not inconsistent with criteria established by applicable federal guidelines, criteria prescribed by this Act, or criteria adopted by the office of the governor.

**SECTION 9. EMERGENCY NUTRITION AND TEMPORARY EMERGENCY RELIEF PROGRAM.** (a) The Texas Department of Human Services is the supervising agency for the direct grant program known as the emergency nutrition and temporary emergency relief program, established by Chapter 34, Human Resources Code. With direct grant money under this Act, the department, under the program, shall provide money for payment to vendors of energy utility services for the purpose of preventing the interruption or termination of energy utility service, or restoring that service, to low-income persons. The department shall allocate money provided under this Act for the program for distribution within counties on the basis of unemployment and poverty statistics for residents of individual counties.

(b) The department may distribute grant money under the program to local units of government or nonprofit organizations to provide the needed services, with county governments receiving priority. A local unit of government or nonprofit organization that receives a grant must match the grant with an equal amount of money from another source. Money received under this Act may not be used to provide any portion of local matching money under this subsection. Money from federal sources may not be used to provide any portion of local matching money under this subsection unless, after application by the local unit of government or nonprofit organization, the office of the governor specifically approves the use. Not more than 50 percent of the money used to provide local matching amounts under this subsection for grants made throughout the state within a fiscal year may be derived from federal sources.

(c) Ultimate beneficiaries of money distributed through the program under this Act must be low-income persons in need of emergency assistance. Beneficiaries under the program under this Act may not be limited to persons whose incomes are less than 75 percent of the income standards established by applicable federal poverty guidelines. The department shall give priority to assistance for persons who became recently unemployed and who do not qualify for other income assistance programs.

**SECTION 10. ENERGY CRISIS INTERVENTION PROGRAM.** (a) The Texas Department of Community Affairs is the supervising agency for the direct grant program known as the energy crisis intervention program. With direct grant money under this Act, the department, under the program, shall provide money for payment to vendors of utilities, goods, or services related to the procurement of energy for heating or cooling residences. Vouchers, in amounts not to exceed \$150 for one household, may be issued directly to consumers in cases of undue hardship.

(b) Ultimate beneficiaries of money distributed under the program under this Act must be persons who are in imminent danger of having their utility service terminated, who are experiencing other energy-related and supply shortage emergencies, or who meet applicable federal poverty income guidelines. The department shall give priority to assistance for persons who are elderly or handicapped.

**SECTION 11. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.** (a) The Texas Department of Human Services is the supervising agency for the direct grant program known as the low-income home energy assistance program, established in accordance with the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. Section 8621 et seq.). With direct grant money under this Act, the department, under the program, shall make payments directly

to eligible low-income households, or on behalf of such households to energy suppliers, to assist the recipients in meeting the costs of home energy.

(b) Ultimate beneficiaries of money distributed through the program under this Act must be households having incomes not exceeding the greater of 150 percent of the income level established by applicable federal poverty guidelines or 60 percent of the state's median income, or households with recipients of federal or state income subsidies, such as food stamps, supplemental security income, aid to families with dependent children, or income-based veterans' benefits.

**SECTION 12. WEATHERIZATION ASSISTANCE PROGRAM.** (a) The Texas Department of Community Affairs is the supervising agency for the direct grant program known as the weatherization assistance program, established in accordance with Part A of the Energy Conservation in Existing Buildings Act of 1976 (42 U.S.C. Section 6861 et seq.). With direct grant money under this Act, the department, under the program, shall make payments for the insulation of dwellings occupied by low-income persons through installation of weatherization materials, including attic insulation, caulking, weatherstripping, storm windows, and other materials designed to increase efficiency of furnaces. The maximum expenditure for each dwelling may not exceed \$1,600 for materials and related program costs. Weatherization assistance projects may be performed by community action agencies or private contractors.

(b) Ultimate beneficiaries of money distributed through the program under this Act must be low-income persons, with priority given to assistance for persons who are elderly or handicapped.

**SECTION 13. NATIVE AMERICAN RESTITUTIONARY PROGRAM.** The Texas Indian Commission is the supervising agency for a direct grant program to be known as the Native American restitutionary program. Under the program, the commission shall distribute money granted under this Act in accordance with the applicable federal guidelines for the purpose of providing energy-related assistance to Native Americans of this state.

**SECTION 14. RESERVOIR CONSERVATION PROGRAM.** The Railroad Commission of Texas is the supervising agency for a direct grant program to be known as the reservoir conservation program. With direct grant money under this Act, the commission, under the program, shall isolate productive hydrocarbon-yielding zones by plugging or other remediation of inactive wells in fields with enhanced recovery potential. The reservoir conservation program must be designed to prevent the waste of energy and conserve it for future use in accordance with applicable federal guidelines.

**SECTION 15. INSTITUTIONAL CONSERVATION PROGRAM.** The energy efficiency division is the supervising agency for a direct grant program to be known as the institutional conservation program and established in accordance with Part G of the Energy Policy and Conservation Act (42 U.S.C. Section 6371 et seq.). Under the program, the division shall distribute direct grant money under this Act to provide 50 percent of the costs of projects designed to help public and nonprofit schools, colleges, hospitals, and public care facilities conduct technical assistance studies to identify potential building energy conservation opportunities and to install cost-effective energy conservation measures, in accordance with applicable federal guidelines.

**SECTION 16. HIGH ENERGY PHYSICS PROGRAM.** The Texas National Research Laboratory Commission is the supervising agency for a direct grant program to be known as the high energy physics program. Under the program, the commission shall use direct grant money provided under this Act to support the federal government's interest in investigating the physical basis of matter and the energy physics of subatomic particles. Grant money will support federal and state interests in developing a research infrastructure that encourages the development of fundamental new knowledge of particle energies.

**SECTION 17. ENERGY AUDIT PROGRAM.** The energy efficiency division is the supervising agency for a direct grant program to be known as the energy audit program. Under this program, the division shall distribute direct grant money provided under this Act to projects designed to determine levels and types of insulation and lighting, measure amounts of conditioned space, and identify low-cost energy savings in state buildings.

**SECTION 18. ENERGY EXTENSION SERVICE.** (a) The energy efficiency division is the supervising agency for a direct grant program to be known as the energy extension service and established in accordance with the National Energy Extension Service Act (42 U.S.C. Section 7001 et seq.). With direct grant money provided under this Act, the division shall finance projects designed, in accordance with applicable federal guidelines, to assist small energy consumers in the residential, agricultural, and commercial sectors in learning to conserve energy and use renewable resource options. Projects under this program may include consumer information and technical assistance projects.

(b) Grant recipients under this program may be required to match the amounts of the grants.

**SECTION 19. STATE ENERGY CONSERVATION PROGRAM.** (a) The energy efficiency division is the supervising agency for a direct grant program to be known as the state energy conservation program and established in accordance with Part D of the Energy Policy and Conservation Act (42 U.S.C. Section 6321 et seq.). With direct grant money provided under this Act, the division under the program shall distribute money for projects that save measurable quantities of energy, primarily implemented by institutions or private sector energy consumers. Proposals submitted under this program must meet applicable federal guidelines, promote the conservation of energy, and improve the efficient use of energy through activities that result in quantifiable energy savings, including energy audits of buildings, technical assistance in reducing energy bills, and training of building operators and fiscal officers on various energy issues such as utility bill analysis and energy management techniques.

(b) Under the program, the division shall finance the operations of the Energy Resource Center for Texas Schools, in accordance with Section 88A, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes). A public school may not receive a grant or the benefits of a grant under this Act under the program until the school's energy conservation plan has been approved by the office of the governor.

**SECTION 20. OFFICE OF PUBLIC UTILITY COUNSEL.** (a) The office of the governor shall award direct grants to the Office of Public Utility Counsel to conduct regulatory intervention activities to promote the adoption and expansion by energy utilities of consumer-oriented energy conservation programs.

(b) In conducting regulatory intervention activities with grant money provided under this Act, the Office of Public Utility Counsel may contract for technical and legal experts to testify and help prepare and analyze materials for intervention and advice in various cases that are relevant to energy costs for low-income, other residential, or small commercial utility ratepayers. Intervention must be designed to promote conservation and energy efficiency, provide that energy options are pursued that have the least cost, and assist in the reduction of energy costs.

**SECTION 21. PUBLIC-PRIVATE PARTNERSHIP PROGRAM.** (a) A competitive grant program to be known as the public-private partnership program is established. Recipients of grant money under the program may include community foundations affiliated with the Communities Foundation, Inc., of Texas. The office of the governor may approve and finance one or more energy-related demonstration projects under this program as well as more broadly



aimed energy-related projects. Recipients of grant money under the program must provide in the aggregate from private sources for projects financed under this program amounts at least equal to the total amount of grants awarded by the office of the governor under the program during a particular fiscal period.

(b) Ultimate beneficiaries of money awarded through the public-private partnership program may include low-income or moderate-income consumers.

**SECTION 22. REVOLVING LOAN PROGRAM.** (a) A competitive grant program to be known as the revolving loan program is established. Under this program, the office of the governor may approve and finance demonstration projects that provide loans to eligible applicants for energy-saving capital improvements.

(b) The supervising agency shall distribute, through the revolving loan program, competitive grant money provided under this Act to finance energy conservation projects approved by the office of the governor for the benefit of the following entities or groups of persons:

- (1) state agencies and institutions of higher education;
- (2) public schools;
- (3) political subdivisions of the state;
- (4) transportation providers;
- (5) agricultural producers;
- (6) small businesses; and
- (7) persons of low or moderate income.

(c) Loans made under this section shall be on terms determined by the office of the governor at a low rate of interest the office determines is sufficient to recover the costs of administering the loan program.

(d) Any person who receives a loan under this section shall repay the principal of and interest on the loan from the value of energy savings that accrues as the result of the energy conservation measure implemented with the borrowed money. If a state agency or institution is the recipient of a loan under this section, the agency or institution shall repay the loan from the amount budgeted for the energy costs of the agency or institution. The legislature may not reduce the amount budgeted for energy costs to reflect the value of energy savings that accrue as the result of the energy conservation measure implemented with the borrowed funds until the loan is repaid.

**SECTION 23. AGRICULTURAL ENERGY CONSERVATION PROGRAM.** A competitive grant program to be known as the agricultural energy conservation program is established. With competitive grant money under this program, the supervising agency shall distribute money for energy projects designed to benefit agriculture in accordance with applicable federal guidelines, including projects concerning agricultural demonstration projects, energy audits of agricultural and food processing facilities, and agricultural information and technical assistance. The office of the governor may finance a selected proposal without requiring any matching amounts, or the office may require that the recipient match any grant received under the program.

**SECTION 24. ALTERNATIVE ENERGY PROGRAM.** A competitive grant program to be known as the alternative energy program is established. With competitive grant money provided under this Act, the supervising agency shall distribute money for demonstration projects developing alternative energy resources, which may include photovoltaics, biomass, wind, and solar applications and other appropriate applications of alternative energy. The office of the governor may require grant recipients under this program to match the grants in ratios determined by the office.

**SECTION 25. ENERGY RESEARCH AND DEVELOPMENT PROGRAM.** The office of the governor may finance projects under a competitive

grant program to be known as the energy research and development program that supplement or initiate research by public or private institutions on energy-related issues. The office of the governor may require recipients to match grants awarded under this program in ratios determined by the office.

**SECTION 26. MUNICIPAL ENERGY PROGRAM.** (a) A competitive grant program to be known as the municipal energy program is established. Under the program, the supervising agency shall distribute competitive grant money provided under this Act for energy-saving projects that benefit municipalities in this state.

(b) Proposals under this section may include energy audits of municipal facilities, traffic light synchronization, fleet management, and fuel-efficient transit routing. The office of the governor may require grant recipients under this program to match the grants in ratios determined by the office.

**SECTION 27. TRANSPORTATION ENERGY PROGRAM.** (a) A competitive grant program to be known as the transportation energy program is established. Under this program, the supervising agency shall distribute competitive grant money provided under this Act for projects concerning mass transit and other transportation services. The projects may assist service providers in providing services such as traffic light synchronization, fleet management, energy-efficient computerized transit routing, car-care clinics, vanpooling or ridesharing efforts, public education related to mass transit, driver energy conservation awareness training, and transportation services for the elderly or handicapped and may include the study and development of high-speed rail facilities in the state by the Texas Turnpike Authority as authorized by Section 28, Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6674v, Vernon's Texas Civil Statutes).

(b) The office of the governor may require grant recipients under this program to match the grants in ratios determined by the office.

**SECTION 28. MASS TRANSIT ENERGY PROGRAM.** (a) A competitive grant program to be known as the mass transit energy program is established. Under this program, the supervising agency shall distribute competitive grant money provided under this Act for projects concerning mass transit that are approved by the office of the governor in accordance with this section.

(b) The supervising agency shall allocate competitive grant money among the categories of eligible applicants according to the formula provided by this section. For purposes of this section, an "eligible applicant" is a municipality, a metropolitan or regional authority, or a local governmental body or other entity that is a recipient of federal public transportation money through the State Department of Highways and Public Transportation or other agency administering federal public transportation money.

(c) The supervising agency shall allocate competitive grant money to the following three categories:

(1) one-third to eligible applicants created under Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes); Chapter 683, Acts of the 66th Legislature, 1979 (Article 1118y, Vernon's Texas Civil Statutes); or Article 1118z, Revised Statutes;

(2) one-third to eligible applicants that are in urbanized areas with a population in excess of 50,000, according to the most recent federal census, and that are not created under the laws specified in Subdivision (1) of this subsection; and

(3) one-third to eligible applicants in rural areas of the state and in urban areas with populations of 50,000 or less, according to the most recent federal census.

(d) The supervising agency shall distribute money allocated as provided by this section only to eligible applicants whose projects are approved by the office of the governor.

(e) To the greatest extent practicable, eligible applicants who receive competitive grant money under this Act shall use the money to obtain other grants.

**SECTION 29. PEER REVIEW HIGHER EDUCATION RESEARCH PROGRAM.** (a) A competitive grant program to be known as the peer review higher education research program is established. Under this program, the supervising agency shall distribute competitive grant money provided under this Act for projects conducted by institutions of higher education and providing advanced research in energy-related subjects.

(b) In addition to the other review processes provided by this Act, proposals submitted under this program must also be submitted for review for merit to the advisory committee appointed under Section 142.003, Education Code.

(c) In this section, "institution of higher education" has the meaning assigned by Section 61.003(8), Education Code.

**SECTION 30. SHRIMP FISHERY ASSISTANCE PROGRAM.** A competitive grant program to be known as the shrimp fishery assistance program is established. Under the program, the supervising agency shall use competitive grant money provided under this Act to assist the Texas shrimp industry in its conversion to the use of turtle-excluding devices in its trawls used to harvest shrimp.

**SECTION 31. ENHANCED OIL AND GAS RECOVERY PROGRAM.** A competitive grant program to be known as the enhanced oil and gas recovery program is established. Under this program, the supervising agency shall distribute competitive grant money provided under this Act for the initiation or supplementation of research programs designed to recover additional oil and gas from reservoirs in this state, with special emphasis on recovery from state and other public lands.

**SECTION 32. EXPIRATION DATE.** This article expires September 1, 1989.

## Article 2

**SECTION 1.** Title 4, Government Code, is amended by adding Chapter 447 to read as follows:

### **CHAPTER 447. ENERGY EFFICIENCY DIVISION OF THE OFFICE OF THE GOVERNOR**

**Sec. 447.001. ESTABLISHMENT OF DIVISION.** The energy efficiency division is established as a division of the office of the governor.

**Sec. 447.002. INFORMATION; RULES; PROGRAMS.** The energy efficiency division shall develop and provide energy conservation information for the state and shall make rules relating to the adoption and implementation of energy conservation programs. The division's adopted energy conservation rules shall include provisions relating to the retrofitting of energy-saving devices in existing state structures and to the renovation of such structures. To the extent that the office of the governor receives money appropriated for energy efficiency programs, the office of the governor, through the energy efficiency division, shall implement programs that the division identifies as encouraging energy conservation by state government. Unless money is available for the implementation of such a program, a state agency is not required to spend money for an energy conservation program under this section.

**Sec. 447.003. LIAISON TO FEDERAL GOVERNMENT.** The energy efficiency division shall serve as the state liaison to the federal government for the implementation and administration of federal programs relating to state agency energy conservation. In that capacity, the division shall administer any state programs established under:

- (1) Part D, Title III, Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.);
- (2) Part G, Title III, Energy Policy and Conservation Act (42 U.S.C. 6371 et seq.);
- (3) the National Energy Extension Service Act (42 U.S.C. 7001 et seq.); or

(4) the Energy Research and Development Administration appropriation authorization (42 U.S.C. 5907a et seq.).

Sec. 447.004. DESIGN STANDARDS. (a) Through the energy efficiency division, the office of the governor shall adopt and publish energy conservation design standards that all new state buildings, including buildings of state-supported institutions of higher education, are required to meet. The office of the governor shall review and update the standards biennially.

(b) The standards must include performance and procedural standards for the maximum energy conservation allowed by the latest and most effective technology that is consistent with the requirements of public health and safety and with economic requirements.

(c) The standards must be adopted in terms of energy consumption allotments and must take into consideration the various classes of building uses. Performance standards must allow for design flexibility. Procedural standards must be directed toward specific design and building practices that produce good thermal resistance and low air leakage and toward requiring practices in the design of mechanical and electrical systems that conserve energy. The procedural standards must concern, as applicable:

- (1) insulation;
- (2) appropriate lighting;
- (3) ventilation;
- (4) the potential use of new systems for saving energy in ventilation, climate control, and other areas; and
- (5) any other item that the office of the governor considers appropriate.

Sec. 447.005. ENERGY EFFICIENCY PROJECTS. Subject to applicable federal laws or guidelines, the office of the governor, through the energy efficiency division, may implement energy efficiency projects at state agencies or may assist those agencies in implementing the projects through energy efficiency programs financed through federal matching grants or loans.

Sec. 447.006. OBTAINING MAINTENANCE DATA. To obtain current information on maintenance data, the office of the governor shall obtain semiannually from each state agency information relating to the cost of heating, cooling, and maintaining buildings owned by the state.

Sec. 447.007. MODEL CODES. (a) After consultation with the Texas Department of Community Affairs, the office of the governor shall prepare model energy conservation building codes.

(b) The office of the governor shall provide the codes to municipalities for use in enacting or amending municipal ordinances.

Sec. 447.008. ADDITIONAL ENERGY MANAGEMENT SERVICES. Through the energy efficiency division, the office of the governor may provide additional energy management services, including:

- (1) training of designated state employees in energy management and energy-accounting techniques;
- (2) technical assistance regarding energy efficient capital improvements, including cogeneration investments;
- (3) technical assistance to the state auditor and to state agencies regarding monitoring of utility bills to detect billing errors;
- (4) technical assistance to state agencies regarding third-party financing of energy efficient capital improvement projects; and
- (5) assistance to state agencies relating to the purchase of natural gas, water, or electricity.

Sec. 447.009. ENERGY EFFICIENCY AUDITS. (a) The energy efficiency division shall conduct audits of state-owned buildings used by state agencies. The

audits shall be designed to assist state agencies in reducing energy consumption and costs through improved energy efficiency.

(b) Based on the audit performed under Subsection (a) of this section, the office of the governor may recommend changes to improve energy efficiency.

Sec. 447.010. ENERGY-SAVING DEVICES OR MEASURES. A state agency that reduces its energy expenses through the use of energy-saving devices or measures recommended by the energy efficiency division during an audit conducted under Section 447.009 may use any funds saved by the agency from appropriated utility expense funds for the installment purchase of the energy-saving devices or measures. For purposes of this section, "energy-saving device or measure" means a device or measure that directly reduces the energy consumption of a lighting, heating, ventilating, or air conditioning system or of other equipment that uses electricity, water, natural gas, fuel oil, or any other energy source.

SECTION 2. Section 2.09(a), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as added by S.B. No. 115, Acts of the 70th Legislature, Regular Session, 1987, is amended to read as follows:

(a) The commission is divided into divisions as provided by this section. One associate deputy director shall direct the travel division[~~the energy efficiency division;~~] and other divisions as directed by the executive director. The other associate deputy director shall direct the remaining divisions as directed by the executive director.

SECTION 3. Section 5.28, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended by S.B. No. 115, Acts of the 70th Legislature, Regular Session, 1987, is amended to read as follows:

Sec. 5.28. ENERGY CONSERVATION STANDARDS BY OTHER ENTITIES. (a) The boards of regents and boards or governing bodies of state agencies, commissions, and institutions exempted by Section 5.13 of this article shall adopt and publish energy conservation design standards as provided in Section 447.004, Government Code, [~~13.03 of this article~~] for all new buildings under their authority. The standards shall be consistent with those adopted by the commission for other state buildings and be prepared in cooperation and consultation with the energy efficiency division of the office of the governor [commission].

(b) The energy efficiency division of the office of the governor [commission] shall assist the boards and governing bodies of state agencies, commissions, and institutions subject to the provisions of Subsection (a) of this section with the preparation of energy conservation standards by providing technical assistance and advice.

SECTION 4. Article 13, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as added by S.B. No. 115, Acts of the 70th Legislature, Regular Session, 1987, is repealed.

SECTION 5. Notwithstanding any requirement of Section 9(b), S.B. No. 115, Acts of the 70th Legislature, Regular Session, 1987, to the contrary, all data, records, other personal property, and necessary personnel belonging or assigned to the energy efficiency division of the Public Utility Commission of Texas or the State Purchasing and General Services Commission, as appropriate, are transferred to the office of the governor on the effective date of this Act.

#### Article 3

SECTION 1. This Act takes effect September 1, 1987.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

**RECESS**

On motion of Senator Parker, the Senate at 3:05 p.m. took recess until 5:30 p.m.

**AFTER RECESS**

The Senate met at 5:30 p.m. and was called to order by the President.

**MESSAGE FROM THE HOUSE**

House Chamber  
July 21, 1987

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on S.B. 66 by a non-record vote.

The House has concurred in Senate amendments to the following House Bills by a non-record vote:

H.B. 10  
H.B. 147  
H.B. 173  
H.B. 9

Respectfully,  
BETTY MURRAY, Chief Clerk  
House of Representatives

**BILLS AND RESOLUTION SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolution:

H.B. 49  
H.B. 62  
H.B. 72  
H.B. 101  
H.B. 167  
H.B. 177  
H.C.R. 64

**CONFERENCE COMMITTEE REPORT  
SENATE BILL 52**

Senator Montford submitted the following Conference Committee Report:

Austin, Texas  
July 21, 1987

Honorable William P. Hobby  
President of the Senate

Honorable Gibson D. "Gib" Lewis  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 52 have met and had the same

under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MONTFORD  
JONES  
FARABEE  
CAPERTON  
BROOKS

On the part of the Senate

TOOMEY  
RILEY  
C. JOHNSON  
EARLEY

On the part of the House

**A BILL TO BE ENTITLED  
AN ACT**

relating to the sale of certain state-owned property to the State Department of Highways and Public Transportation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

**SECTION 1. CONVEYANCE OF PROPERTY.** (a) On behalf of the state, the Texas Board of Mental Health and Mental Retardation and the Texas Department of Corrections shall sell to the State Department of Highways and Public Transportation the tracts of state-owned land that are described by Section 2 of this Act for a total amount of \$120.6 million.

(b) Before August 31, 1988, the State Department of Highways and Public Transportation shall purchase the land for a total amount of \$120.6 million. All the land that qualifies for the expenditure of constitutionally dedicated funds shall be purchased from the constitutionally dedicated portion of the state highway fund. The remainder shall be purchased from the statutorily dedicated portion of the state highway fund.

**SECTION 2. PROPERTY DESCRIPTION.** (a) The Texas Department of Mental Health and Mental Retardation property to be sold as provided by Section 1 of this Act consists of approximately:

(1) 75.668 acres of land, more or less, out of the George W. Spear League in Travis County, Texas, and being a portion of a tract of land described in Volume 76, Page 225 of the Deed Records of Travis County, Texas; and

(2) 789.508 acres of land, more or less, out of the Rachael Saul League Abstract No. 551 and out of the Samuel Damon League Abstract No. 170 in Williamson County, Texas, and being a portion of tracts of land described in Volume 311, Page 551, Volume 328, Page 548, and in Volume 328, Page 550 of the Deed Records of Williamson County, Texas.

(b) The Texas Department of Corrections property to be sold as provided by Section 1 of this Act consists of approximately 5,786 acres of land, more or less, in Fort Bend County, Texas, consisting of 14 tracts of land out of the Central and Jester Units being located and described as follows:

<u>TRACT</u>	<u>ACRES</u>	<u>LOCATION</u>
1	169.000	At the corner of Voss Road and Texas Highway Number 6
2	229.480	Across Texas Highway Number 6 east from Hull Field
3	147.880	East of Texas Highway Number 6, south of Oyster Creek and west fronting on Burney Road
4	47.976	West side of Texas Highway Number 6 adjoining Hull Airport property
5	65.710	At the southeast corner of Texas Highway Number 6 and U.S. Highway 90-A

6	389.137	Southwest corner of U.S. Highway 90-A and Texas Highway Number 6
7	282.759	Northeast corner of Flanigan Road and U.S. Highway 59; 1.3 miles southwest of intersection of Texas Highway Number 6
8	1107.000	Approximately 1.3 miles southwest of the Texas Highway Number 6/U.S. Highway 59 Interchange on the south side of U.S. Highway 59. Tract abuts west city limits of Sugar Land
9	960.718	Fronts both U.S. Highway 90-A on the north near Texas Highway Number 6, U.S. Highway 59 on the south, and Flanigan Road on the east
10	312.000	Immediately west to TDC Prison Main Compound fronting along north of Southern Pacific Railroad right-of-way
11	1106.525	Southwest corner of F.M. 1464 and Madden Road
12	533.083	One mile west of F.M. 1464 on the south side of Madden Road and the east side of Harlem Road
13	413.311	Northeast corner of Mortin Road and Harlem Road two miles west of F.M. 1464
14	22.320	Northeast corner of Fort Bend County inside Houston city limits on F.M. 2234 (McHard Road)

SECTION 3. PROCEEDS. The proceeds from the sale of the property required by Section 1 of this Act shall be deposited in the state treasury to the credit of the general revenue fund, except that \$200,000 of the proceeds from the sale of the tract described by Section 2(a)(1) of this Act shall be deposited to the credit of a special account in the general revenue fund that may be used only by the State Employee Incentive Commission for administration of the state employee incentive program, and that money is appropriated to the commission for that purpose.

SECTION 4. LEASE OR DISPOSAL. (a) The State Highway and Public Transportation Commission may lease all or part of the property acquired under this Act.

(b) On request by the governing body of the appropriate agency, the State Highway and Public Transportation Commission shall lease for \$1 a year for a term expiring not later than August 31, 1991, any portion of the land described by Subsection (a) of Section 2 of this Act to the Texas Department of Mental Health and Mental Retardation and any portion of the land described by Subsection (b) of Section 2 of this Act to the Texas Department of Corrections, if the land is determined by the commission and the appropriate agency's governing body to be essential to the continuation of the agency's operations. The Legislative Budget Board shall resolve any disputes under this subsection between the commission and an agency's governing body. The commission may not sell any of the land before the leases required by this subsection are executed and may not sell land while it is leased under this subsection.

(c) Any disposal of any of the property acquired under this Act shall be subject to and in accordance with the procedures for disposal of surplus land acquired for highway purposes, as provided by Chapter 99, General Laws, Acts of the 42nd Legislature, Regular Session, 1931 (Article 6673a, Vernon's Texas Civil Statutes).



(d) Proceeds from the lease or sale of the property acquired under this Act shall be deposited to the credit of the state highway fund.

(e) Notwithstanding any other provision of this Act, 50 acres, as designated by the State Department of Highways and Public Transportation, in the northwest corner of the tract described by Section 2(a)(2) of this Act shall be transferred to the Texas Parks and Wildlife Department, which shall hold the property as park land to be maintained and operated by Williamson County. Unless the governing bodies of the appropriate city or cities and county having jurisdiction of the land subject to this subsection agree within six months of the date of the transfer that the park land may be used to satisfy any offset or greenbelt requirements of a subsequent purchaser of any of the remainder of the tract described by Section 2(a)(2) of this Act, that park land reverts to the State Department of Highways and Public Transportation. The park land also reverts to the department if for any reason it is no longer used as a park.

**SECTION 5. EMERGENCY.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 1 RECOMMITTED**

Senator Jones moved to recommit the Conference Committee Report on **S.B. 1** to Conference Committee.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Johnson, Washington.

Absent: Santiesteban, Sarpalius.

#### **SENATE RULE 96(f) SUSPENDED**

Senator Jones moved to suspend Senate Rule 96(f) relating to the requirement to adopt a resolution to allow a Conference Committee to make changes in a Conference Committee Report.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Sarpalius, Washington.

#### **CONFERENCE COMMITTEE REPORT SENATE BILL 1**

Senator Jones submitted the following Conference Committee Report:

Austin, Texas  
July 21, 1987

Honorable William P. Hobby  
President of the Senate

Honorable Gibson D. "Gib" Lewis  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 1 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass.

JONES  
BROOKS  
CAPERTON  
FARABEE  
MONTFORD

On the part of the Senate

RUDD  
CAVAZOS  
VOWELL  
McWILLIAMS  
WILLIAMSON

On the part of the House

The Conference Committee Report was again read and filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT  
SENATE BILL 1 ORDERED NOT PRINTED**

On motion of Senator Jones and by unanimous consent, the Conference Committee Report on S.B. 1 was ordered not printed in the Senate Journal.

**MESSAGE FROM THE HOUSE**

House Chamber  
July 21, 1987

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 25, Establishing the Special Task Force on Rural Health Care Delivery in Texas.

S.C.R. 11, Granting Artemio Alanis, Jr., permission to sue the State of Texas and The University of Texas System.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1 ADOPTED**

Senator Jones called from the President's table the Conference Committee Report on S.B. 1. (The Conference Committee Report having been filed with the Senate and read today.)

On motion of Senator Jones, the Conference Committee Report was adopted by the following vote: Yeas 26, Nays 5.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Johnson, Jones, Krier, Lyon, McFarland,

Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Brown, Henderson, Leedom, Sarpalius, Washington.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 52 ADOPTED**

Senator Montford called from the President's table the Conference Committee Report on **S.B. 52**. (The Conference Committee Report having been filed with the Senate and read today.)

On motion of Senator Montford, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Barrientos.

**MESSAGE FROM THE HOUSE**

House Chamber  
July 21, 1987

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on **S.B. 1** by a record vote of 80 ayes, 70 noes.

The House has adopted the Conference Committee Report on **H.B. 61** by a record vote of 78 ayes, 72 noes, 0 present-not voting.

The House has adopted the Conference Committee Report on **H.B. 146** by a record vote of 140 ayes, 5 noes, 2 present-not voting.

The House has adopted the Conference Committee Report on **S.B. 56** by a record vote of 143 ayes, 0 noes, 0 present-not voting.

The House has adopted the Conference Committee Report on **S.B. 33** by a record vote of 141 ayes, 4 noes, 1 present-not voting.

The House has concurred in Senate amendments to **H.B. 176** by a record vote of 126 ayes, 24 noes.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 146 ADOPTED**

Senator McFarland called from the President's table the Conference Committee Report on **H.B. 146**. (The Conference Committee Report having been filed with the Senate and read today.)

On motion of Senator McFarland, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

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**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 33 ADOPTED**

Senator Jones called from the President's table the Conference Committee Report on S.B. 33. (The Conference Committee Report having been filed with the Senate and read today.)

On motion of Senator Jones, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Washington.

**SENATE RESOLUTION 141**

Senator Washington offered the following resolution:

**S.R. 141**, Directing the Senate Criminal Justice Committee to study the prison industries program operated by the Texas Department of Corrections.

The resolution was read and was adopted viva voce vote.

**SENATE CAUCUS**

Senator Brooks announced the Senate would caucus upon recess.

**RECESS**

On motion of Senator Brooks, the Senate at 6:19 p.m. took recess until 6:45 p.m. today.

**AFTER RECESS**

The Senate met at 6:45 p.m. and was called to order by the President.

**SENATE RESOLUTION 146  
(Caucus Report)**

Senator Brooks offered the following resolution:

Honorable William P. Hobby  
President of the Senate  
Austin, Texas

Sir:

At a caucus held on July 21, 1987 and attended by 31 Members of the Senate, the following recommendations were made, to wit:

BE IT RESOLVED by the Senate, That:

The Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session, and in addition thereto, he and the Secretary of the Senate shall be furnished postage, telegraph, telephone, express, and all other expenses incident to their respective offices.

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature. The Secretary of the Senate may employ such employees as are necessary for the operation of her office and to perform duties as may be required in connection with the business of the state from the closing of this session and until the convening of the next session. All employees and elected officers of the Senate shall operate under the direct supervision of the Secretary of the Senate during the interim.

The Administration Chairman is authorized to retain a sufficient number of staff employees to conclude the work of the Enrolling Clerk, Calendar Clerk,

Journal Clerk, and Sergeant-at-Arms. The Committee on Administration shall establish the salaries to be paid the Senate staff.

The Chairman of the Senate Committee on Administration is hereby authorized and directed to cause the Senate Chamber to be placed in order and to purchase such supplies and to make all such repairs and improvement as are necessary between the adjournment of this session and the convening of the next session of the Legislature and make an inventory of all furniture and fixtures in the Senate Chamber and in the private offices of the Members, as well as of the supplies and equipment on hand in the Purchasing and Supply Department and close his books for the 2nd Called Session of the 70th Legislature. No equipment shall be acquired on a rental/purchase plan unless such equipment be placed on the Senate inventory at the termination of such plan. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he and any member of the Administration Committee shall be entitled to receive his actual and necessary expenses incurred during the interim; and, be it further

RESOLVED, That there shall be printed 325 volumes of the Senate Journal of the 2nd Called Session of the 70th Legislature; when complete 250 copies shall be bound in buckram and delivered to the Secretary of the Senate; one volume thus bound shall be forwarded by the Secretary of the Senate to each Member of the Senate, the Lieutenant Governor, and to each Member of the House of Representatives on request. The printing of such journals shall be done in accordance with the provisions of this Resolution under the supervision of the Chairman of the Committee on Administration; provided, further, that it shall be the duty of said chairman to refuse to receive or receipt for said Senate Journals until corrected and published in accordance with the preexisting law as finally approved by the Chairman of the Committee on Administration of the Senate. When the accounts have been certified by the Chairman of the Committee on Administration of the Senate, said accounts shall be paid out of the Contingent Expense Fund of the 70th Legislature; and, be it further

RESOLVED, That all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and Contingent Expense Fund of the 70th Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, Members of the Senate, employees of the Senate committees, and employees of the Senate, except as provided in Section 20 of the Legislative Reorganization Act (Article 5429f, Vernon's Texas Civil Statutes), upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies, and expenses of the Senate, including travel expenses for Members and employees, upon vouchers signed by the Chairman of the Senate Committee on Administration and the Secretary of the Senate; and, be it further

RESOLVED, That in furtherance of the legislative duties and responsibilities of the Senate, the Administration Committee is hereby authorized and directed to charge to the individual Member's office budget as hereinafter authorized: (1) reimbursement of all actual expenses incurred by the Members when traveling in performance of such duties and responsibilities or incident thereto, and (2) payment of all other reasonable and necessary expenses for the operation of the office of the individual Senator during any period the Legislature is not in session. Expenditures

for these services by the Administration Committee as hereby authorized as an expense of the Senate shall not be restricted to Austin but may be incurred in individual senatorial districts. Such expenses shall be paid from funds appropriated for the use of the Senate on vouchers approved by the Chairman of the Administration Committee and the Secretary of the Senate in accordance with regulations governing such expenditures; and, be it further

RESOLVED, That for the time period from the end of the 70th Legislature, 2nd Called Session, until the convening of the next regular or special session, each Senator shall be permitted to employ secretarial and other office staff and for intrastate travel expenses for staff employees a maximum payroll of \$13,500.00 per month. Other expenses, including travel expenses or other reasonable and necessary expenses incurred in the furtherance and performance of legislative duties or in operation of his office or incident thereto, shall be provided in addition to the maximum salary authorized.

In order to accrue vacation leave, compensatory/overtime leave, or sick leave, employees of Members must file monthly time sheets with the Senate Personnel Office by the 10th of the month following the month in which work was performed. Employees of Members and committees must use compensatory/overtime accrued in a given month by the end of the same month of the following year. Compensatory/overtime accrued prior to January 1, 1987, will not be carried forward after January 1, 1988. No compensatory/overtime will be paid at either the end of the fiscal year or at an employee's termination; and, be it further

RESOLVED, That the Lieutenant Governor shall have the authority to appoint any Member of the Senate, the Secretary of the Senate, or other Senate employee to attend meetings of the National Conference of State Legislatures and other similar meetings. Necessary and actual expenses are hereby authorized upon the approval of the Chairman of the Administration Committee and the Secretary of the Senate; and, be it further

RESOLVED, That each of the standing committees and subcommittees of the Senate of the 70th Legislature be authorized to continue to meet at such times and places during the interim as determined by such committees and subcommittees and to hold hearings, recommend legislation, and perform research on matters directed either by Resolution, the Lieutenant Governor, or as determined by majority vote of each committee. Each continuing committee and subcommittee shall continue to function under the rules adopted during the legislative session where applicable. Expenses for the operation of these committees and subcommittees are hereby authorized to be paid pursuant to a budget prepared by each committee and approved by the Administration Committee; and, be it further

RESOLVED, That the operating expenses of this committee shall be paid from the Contingent Expense Fund of the Senate, and the committee members shall be reimbursed for their actual expenses incurred in carrying out the duties of the committee.

Any Members not returning for the 71st Legislature will vacate their Senate offices by December 15, 1988; and, be it further

RESOLVED, That no employee of the Senate shall during the time he or she is employed furnish to any person, firm, or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not without permission receive any compensation from any person, firm, or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged; and, be it further

RESOLVED, That the Secretary of the Senate is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber

or the rooms of the Senate except as authorized by the Chairman of the Administration Committee.

Respectfully submitted,

/s/Chet Brooks

Chairman of the Caucus

/s/O. H. Harris

Secretary of the Caucus

The resolution was read and was adopted viva voce vote.

#### **ELECTION OF PRESIDENT PRO TEMPORE AD INTERIM, SEVENTIETH LEGISLATURE**

The President announced that the election of the President Pro Tempore, Ad Interim, 70th Legislature, was the next order of business.

On motion of Senator Brooks, Senator Roy Blake of Nacogdoches was elected by acclamation.

The President appointed Senators Glasgow, Johnson, Leedom and Sims to escort Senator Blake to the President's Rostrum.

The Oath of Office was administered to Senator Blake by the President.

Senator Blake briefly addressed the Senate, stating he was once more grateful for the honor of serving and was pleased to have been elected for the fifth time.

#### **SENATE RESOLUTION 145**

Senator Brooks offered the following resolution:

WHEREAS, A true statesman in the finest sense of the word, Senator Grant Jones has superbly directed the Senate Finance Committee since 1979; and

WHEREAS, Although not a member of the Finance Committee until his appointment as chairman, Senator Jones has more than ably filled the shoes of his predecessor, A. M. Aikin, whose name was synonymous with state finance; and

WHEREAS, Calm and deliberate, he never lost his patience during committee deliberations but gently persuaded and guided in his magnificent efforts to achieve a fair and equitable budget; and

WHEREAS, Accepting the challenge of forging a budget, his Herculean task was, rather than to sweep the stables, to "scrub the budget"; and

WHEREAS, Adopting a nonpartisan approach, his evenhandedness and fairness earned him the respect of all political factions; and

WHEREAS, Realizing that the art of compromise is the basis of good government, Senator Jones painstakingly produced seven different budgets through one regular and four special sessions during the past year; and

WHEREAS, Unfailingly courteous and respectful, his thoughtful treatment of Senate and Budget Office staffers during tense and lengthy sessions earned him their unwavering loyalty; and

WHEREAS, His thorough knowledge of the labyrinth of state finance is a constant source of amazement and admiration for his staff and fellow committee members; and

WHEREAS, Never a grandstander, the mantle of power rests lightly on his shoulders; few outsiders know of the many long, hard hours he has spent carefully crafting compromises acceptable to all factions; and

WHEREAS, Like Procrustes of Greek mythology, he cut and stretched until the budget fit the mandate of the leadership; and

WHEREAS, Quiet, but strong of purpose, Senator Jones has been responsible for the passage of many good bills and prevented bad policy from becoming law; and

WHEREAS, Honest, impartial, fair, Senator Grant Jones epitomizes leadership and his illustrious service has benefitted all Texans; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, 2nd Called Session, hereby commend the Senator from District 24 for his outstanding commitment and devotion to the people of Texas as chairman of the Senate Finance Committee; and, be it further

RESOLVED, That a copy of this resolution be prepared for him as an expression of highest esteem, respect, and affection from the Texas Senate; and, be it further

RESOLVED, That when the Senate adjourns sine die, it do so in honor of Senator Grant Jones.

BROOKS  
CAPERTON  
MONTFORD  
FARABEE

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was adopted viva voce vote.

Senator Jones, speaking from the President's Rostrum, expressed his appreciation for this tribute and received a standing ovation from Members and staff.

#### SENATE NOTIFIED

A Committee from the House of Representatives appeared at the Bar of the Senate and Representative Guerrero for the Committee notified the Senate that the House had adjourned sine die.

#### MESSAGE FROM THE HOUSE

House Chamber  
July 21, 1987

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on S.B. 52 by a record vote of 128 ayes, 11 noes, 0 present-not voting.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives



**MOTION IN WRITING**

Senator Brooks offered the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) Members to notify the House of Representatives that the Senate has completed its labors and is ready to adjourn sine die.

**BROOKS**

The Motion in Writing was read and was adopted viva voce vote.

Accordingly, the President appointed the following Committee to Notify the House of Representatives: Senators Armbrister, Green, Parker, Truan and Washington.

**MOTION IN WRITING**

Senator Brooks offered the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) Members to notify the Governor that the Senate has completed its labors and is ready to adjourn sine die.

**BROOKS**

The Motion in Writing was read and was adopted viva voce vote.

Accordingly, the President appointed the following Committee to Notify the Governor: Senators Brooks, Farabee, Jones, Krier and McFarland.

**AT EASE**

The President at 7:18 p.m. announced the Senate would stand At Ease Subject to the Call of the Chair.

**IN LEGISLATIVE SESSION**

The President at 7:21 p.m. called the Senate to order as In Legislative Session.

**PRESENTATION TO SENATOR GLASGOW**

Senator Blake was recognized and presented to Senator Glasgow, in appreciation for his work on the tax bill, the electric blackboard used so often in deliberations.

Senator Glasgow accepted this gift and remarks of appreciation and expressed appreciation to his fellow conferees, Senators Anderson, McFarland, Parmer and Krier.

**HOUSE OF REPRESENTATIVES NOTIFIED**

The Committee appointed to Notify the House of Representatives that the Senate had adjourned sine die appeared at the Bar of the Senate and Senator Armbrister for the Committee reported to the Senate they had completed their assigned task.

The President discharged the Committee.

**GOVERNOR NOTIFIED**

The Committee appointed to Notify the Governor that the Senate had adjourned sine die appeared at the Bar of the Senate and Senator Brooks for the Committee reported to the Senate they had completed their assigned task.

The President discharged the Committee.

**MOTION TO ADJOURN SINE DIE**

Senator Harris at 7:23 p.m. moved that the Senate adjourn sine die pending completion of administrative duties of the staff and the President.

**MEMORIAL RESOLUTIONS**

**S.R. 140** - By Montford: Memorial resolution for Mary Lois House.

**S.R. 142** - By Truan: Memorial resolution for Manuel Vicente Chavez.

**S.R. 148** - By Caperton: Memorial resolution for J. Bruce Hancock.

**CONGRATULATORY RESOLUTIONS**

**S.R. 132** - By Johnson: Extending congratulations to Oak Cliff on the 100th anniversary of their community.

**S.R. 133** - By Sarpalius: Extending best wishes to the Caprock High School Graduating Class of 1977 for a successful and enjoyable reunion.

**S.R. 134** - By Sarpalius: Extending best wishes to the Pampa High School Graduating Class of 1977 for a successful and enjoyable reunion.

**S.R. 135** - By Barrientos: Extending congratulations to Ed and Patsy Martin on the birth of their daughter, Amy Kathleen Martin.

**S.R. 136** - By Glasgow: Extending congratulations to the Claridge Racing Team.

**S.R. 138** - By Lyon: Commending Terry Crider and Captain Danny Ghilain for landing the pending state record wahoo.

**S.R. 143** - By Truan: Commending Wilbur and Frances Maxwell for their dancing expertise.

**S.R. 144** - By Glasgow: Extending congratulations to Mr. and Mrs. Ed O'Connell on their 40th wedding anniversary.

**BILLS AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

**S.C.R. 11**

**S.C.R. 25**

**S.B. 33**

**S.B. 52** (Signed subject to Art. III,  
Sec. 49a of the Constitution)

**S.B. 56**

**S.B. 66**

**S.B. 1** (Signed subject to Art. III,  
Sec. 49a of the Constitution)

<b>H.C.R. 10</b>	<b>H.B. 146</b>
<b>H.B. 7</b>	<b>H.B. 147</b>
<b>H.B. 9</b>	<b>H.B. 170</b>
<b>H.B. 10</b>	<b>H.B. 173</b>
<b>H.B. 61</b>	<b>H.B. 176</b>

**ADJOURNMENT SINE DIE**

The President announced that the hour for final adjournment of the 2nd Called Session, 70th Legislature had arrived.

Senator Brooks at 9:28 p.m. moved that the Senate of the 70th Legislature, 2nd Called Session, in accordance with a motion previously adopted, stand adjourned sine die.

The President declared the 2nd Called Session of the 70th Legislature adjourned sine die.

**APPENDIX**

Signed by Governor  
(July 16, 1987)

**H.C.R. 65**

Sent to Governor  
(July 20, 1987)

<b>S.C.R. 24</b>	<b>S.B. 45</b>
<b>S.B. 11</b>	<b>S.B. 50</b>
<b>S.B. 20</b>	<b>S.B. 51</b>
<b>S.B. 22</b>	<b>S.B. 58</b>
<b>S.B. 23</b>	<b>S.B. 62</b>
<b>S.B. 27</b>	<b>S.B. 64</b>
<b>S.B. 28</b>	<b>S.B. 68</b>
<b>S.B. 35</b>	<b>S.B. 81</b>
<b>S.B. 36</b>	<b>S.B. 84</b>
<b>S.B. 40</b>	<b>S.B. 87</b>

Filed with Secretary of State  
(July 20, 1987)

**S.J.R. 5**

**S.J.R. 6**

**S.J.R. 8**

Signed by Governor  
(July 18, 1987)

**S.C.R. 17**

**H.C.R. 11**

**H.C.R. 17**

**H.C.R. 19**

**H.C.R. 48**

**H.C.R. 49**

**H.C.R. 61**

(July 20, 1987)

**S.C.R. 24**

**H.C.R. 69**

H.C.R. 72  
H.C.R. 68  
H.C.R. 66  
H.C.R. 50

Sent to Governor  
(July 21, 1987)

S.C.R. 11  
S.C.R. 25  
S.B. 33  
S.B. 56  
S.B. 66  
S.C.R. 6  
S.C.R. 16  
S.C.R. 19  
S.C.R. 23  
S.C.R. 26  
S.C.R. 42  
S.B. 17  
S.B. 79  
S.B. 86  
S.B. 52

Sent to Comptroller  
(July 21, 1987)

S.B. 6  
S.B. 1  
S.B. 52

Filed with Secretary of State  
(July 21, 1987)

H.J.R. 5

Sent to Governor  
(July 22, 1987)

S.B. 6  
S.B. 1

#### APPENDIX

Signed by Governor  
(July 21, 1987)

H.B. 21 (Effective September 1, 1987)  
H.B. 61 (Effective immediately)  
H.B. 62 (Effective August 31, 1987)  
H.B. 63 (Effective September 1, 1987)  
H.B. 176 (Effective immediately)  
H.B. 177 (Effective immediately)  
S.B. 28 (Effective immediately)  
S.B. 52 (Effective immediately)  
S.B. 68 (Effective immediately)

(July 22, 1987)

H.C.R. 10

H.C.R. 14  
 H.C.R. 18  
 H.C.R. 20  
 H.C.R. 27  
 H.C.R. 64  
 S.C.R. 16  
 S.C.R. 19  
 S.C.R. 23  
 S.C.R. 26  
 S.C.R. 6  
 S.C.R. 25

(August 3, 1987)

S.C.R. 42  
 S.B. 27 (Effective October 20, 1987)  
 S.B. 11 (Effective October 20, 1987)  
 S.B. 17 (Effective October 20, 1987)  
 S.B. 18 (Effective immediately)  
 S.B. 20 (Effective October 20, 1987, Sections 1-11; Athlete Agent, January 1, 1988)  
 S.B. 22 (Effective immediately)  
 S.B. 23 (Effective immediately)  
 S.B. 35 (Effective September 1, 1987)  
 S.B. 36 (Effective immediately)  
 S.B. 40 (Effective October 20, 1987)  
 S.B. 45 (Effective September 1, 1987)  
 S.B. 50 (Effective immediately)  
 S.B. 51 (Effective September 1, 1987)  
 S.B. 62 (Effective October 20, 1987)  
 S.B. 81 (Effective immediately)  
 S.B. 86 (Effective October 20, 1987, Article 1)  
 S.B. 87 (Effective September 1, 1987)  
 H.B. 7 (Effective immediately)  
 H.B. 9 (Effective October 20, 1987)  
 H.B. 32 (Effective November 1, 1987)  
 H.B. 33 (Effective October 20, 1987)  
 H.B. 40 (Effective October 20, 1987)  
 H.B. 44 (Effective August 31, 1987)  
 H.B. 49 (Effective upon adoption of H.J.R. 4 and H.J.R. 5, 70th Legislature, Regular Session)  
 H.B. 67 (Effective October 20, 1987)  
 H.B. 71 (Effective November 1, 1987)  
 H.B. 80 (Effective immediately)  
 H.B. 92 (Effective October 20, 1987)  
 H.B. 95 (Effective October 20, 1987)  
 H.B. 101 (Effective October 20, 1987)  
 H.B. 105 (Effective November 1, 1987)  
 H.B. 109 (Effective October 20, 1987)  
 H.B. 117 (Effective October 20, 1987)  
 H.B. 120 (Effective immediately)  
 H.B. 123 (Effective immediately)  
 H.B. 126 (Effective October 20, 1987)  
 H.B. 133 (Effective October 20, 1987)

**H.B. 135** (Effective January 1, 1987, Section 1; Section 2 October 20, 1987)

**H.B. 142** (Effective October 20, 1987)

**H.B. 159** (Effective immediately)

**H.B. 166** (Effective November 1, 1987)

**H.B. 168** (Effective November 1, 1987)

(August 4, 1987)

**S.B. 6** (Effective October 20, 1987)

**S.B. 33** (Effective September 1, 1987)

**S.B. 56** (Effective immediately; Article 2, September 1, 1987)

**S.B. 58** (Effective October 20, 1987)

**S.B. 66** (Effective October 20, 1987)

**S.B. 79** (Effective September 1, 1987)

**S.B. 84** (Effective immediately)

**H.B. 10** (Effective October 20, 1987)

**H.B. 19** (Effective October 20, 1987)

**H.B. 28** (Effective October 20, 1987)

**H.B. 39** (Effective October 20, 1987)

**H.B. 53** (Effective upon adoption of **H.J.R. 60**, 70th Legislature, Regular Session, 1987)

**H.B. 54** (Effective immediately)

**H.B. 59** (Effective November 1, 1987)

**H.B. 64** (Effective immediately)

**H.B. 72** (Effective upon adoption of **S.J.R. 54**)

**H.B. 81** (Effective immediately, except Sections 12 and 14, effective September 1, 1987)

**H.B. 121** (Effective October 20, 1987)

**H.B. 130** (Effective October 20, 1987)

**H.B. 146** (Effective immediately)

**H.B. 147** (Effective October 20, 1987, Sections 1-3; Section 4, upon adoption of **S.J.R. 5**)

**H.B. 163** (Effective October 20, 1987)

**H.B. 167** (Effective November 1, 1987)

**H.B. 173** (Effective October 20, 1987)

(August 6, 1987)

**S.B. 64** (Effective immediately)

**H.B. 170** (Effective September 1, 1987; Section 4, effective immediately)

**S.B. 1** (Effective September 1, 1987—line item vetoes)

#### RESOLUTION VETOED BY GOVERNOR

(August 6, 1987)

The following resolution was vetoed by the Governor:

**S.C.R. 11**

**PROCLAMATION BY THE GOVERNOR**

The following Proclamation by the Governor states the reason for vetoing a resolution:

**PROCLAMATION  
BY THE  
GOVERNOR OF THE STATE OF TEXAS**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

Pursuant to Article IV, Section 14 and 15 of the Texas Constitution, I, William P. Clements, Jr., Governor of Texas, do hereby veto **S.C.R. 11**, 70th Legislature, Second Called Session, because of the following objections:

To permit a suit against the State for the privilege of taking a make-up examination at a public institution of higher education would be inappropriate public policy. This is an academic matter best suited for disposition in accordance with the established procedures of the particular institution and system involved.

The Secretary of State shall take notice of this action and notify the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of the State to be affixed hereto at Austin, this 6th day of August, 1987.

## SENATE BILLS AND SENATE JOINT RESOLUTIONS

## AUTHORS OF

## (In Alphabetical Order of Authors)

(Note — The number following subject indicates page where introduced. See "History of Senate Bills" and "History of Senate Joint Resolutions" for History of Bills and Resolutions.)

## ANDERSON, SENATOR RICHARD

**S.B. 66** — Relating to the videotaped testimony of a child who is an alleged victim of certain criminal offenses, 72.

## ARMBRISTER, SENATOR KEN

**S.B. 20** — Relating to the regulation of certain sports agents, 18.

**S.B. 45** — Relating to the definition of a commercial motor vehicle, 35.

**S.B. 46** — Relating to the creation of the Piney Creek Municipal Utility District, 35.

**S.B. 59** — Relating to State support for a consortium of semiconductor companies engaged in semiconductor research, 68.

**S.B. 71** — Relating to the creation of the Bastrop County Municipal Utility District No. 2, 72.

**S.B. 72** — Relating to the creation of the Bastrop County Municipal Utility District No. 1, 72.

**S.B. 73** — Relating to the powers, functions and duties of the Bastrop County Water Control and Improvement District No. 2, 72.

**S.B. 77** — Relating to preservation of the view of the State Capitol from certain points and prohibition of certain construction, 75.

**S.B. 78** — Relating to the creation of the South Central Calhoun County Municipal Utility District No. 1, 75.

**S.J.R. 7** — Proposing a Constitutional amendment allowing the issuance of general obligation bonds for undertakings related to a consortium of semiconductor companies to engage in a semiconductor industry research facility, 69.

## BARRIENTOS, SENATOR GONZALO

**S.B. 59** — Relating to State support for a consortium of semiconductor companies engaged in semiconductor research, 68.

**S.B. 66** — Relating to the videotaped testimony of a child who is an alleged victim of certain criminal offenses, 72.

**S.B. 81** — Relating to the amount and terms of, and fees payable in connection with, student loans from the Texas Opportunity Plan Fund, 88.

**S.J.R. 7** — Proposing a Constitutional amendment allowing the issuance of general obligation bonds for undertakings related to a consortium of semiconductor companies to engage in a semiconductor industry research facility, 69.